IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION	§	Civil Action No. 2:06-CV-72
PLAINTIFF	§	
vs.	§	Judge David Folsom
	§	
WELLS FARGO & COMPANY, *ET AL.*	§	
DEFENDANTS	§	
	§	

DEFENDANTS HARRIS BANKCORP, INC.'S AND HARRIS N.A.'S NOTICE OF DECISION REGARDING STIPULATION

Pursuant to the Court's Order (Dkt. No. 411) dated January 12, 2007 regarding the Defendants' respective motions to sever and stay claims relating to United States Patent Numbers 5,910,988 and 6,032,137 (the "Ballard Patents") pending the reexamination of the Ballard Patents initiated by First Data Corporation (hereinafter, "petitioner"), Defendants Harris Bankcorp, Inc. and Harris, N.A. (collectively, "Harris") respectfully notify this Court of their agreement to the following stipulation proposed in the Order:

> As a condition of the stay, Defendants may not argue invalidity at trial based on one or more prior art printed publications that were submitted by the petitioner in the reexamination proceedings. However, Defendants will be permitted to rely for obviousness on the combination of printed publication reference that was submitted by petitioner in the reexamination with prior art that was not so submitted.

Since no claims have been asserted against Harris other than claims relating to the Ballard Patents, Harris requests that this case be stayed in its entirety as to Harris pending final outcome of the reexaminations of the Ballard Patents.

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Respectfully submitted,

McKOOL SMITH, P.C.

/s/ Robert M. Manley

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ L. David Anderson
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